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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

THOMPSON JR, FOREST

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/483,388

Applicant(s)

XIA ET AL.

Examiner

Forest O. Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-17 have been examined.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Applicant is advised that should claim 12 be found allowable, claim 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592).

Claim 1: Dedrick discloses:

renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee;

selecting an attribute to be associated with the marketing object container, wherein the first party associates the attribute with the marketing object container (col. 4 lines 16-35; col. 5 lines 5-53); and

sending the selected attribute to be associated with the marketing object container (col. 4 lines 16-48; col. 5 lines 5-53), in the context of associating the chosen attributes with the identified advertisements.

Dedrick does not specifically disclose sending the selected attribute to be automatically associated with the marketing object container. However, Dedrick does disclose:

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15).*
- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).*

Also, Angles et al. discloses:

*HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the*

*document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).*

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose sending the selected attribute to be automatically associated with the marketing object container, as disclosed by Angles et al., because this simplifies for the user access to desired information from advertisers and others.

Claim 2: Dedrick discloses selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 3: Dedrick discloses sending a selected marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of transferring consumption formatted electronic information to metering servers and subsequently to client systems.

Claims 4, 5, 9: Dedrick does not specifically disclose renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated by a third party, wherein the selected marketing object is automatically associated with the second marketing object container, nor wherein the selected attribute is automatically associated with the second marketing object container. However, Dedrick does disclose:

- renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee.
- selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*
- a method and apparatus for providing electronic advertisements to end users (Abstract).
- a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the

titles associated with the advertisements are subsequently transferred to multiple metering servers (Abstract).

- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system (col. 4 lines 37-40).

Dedrick provides the functionality for creating multiple advertisements, and does not limit the number of advertisements that advertisers may create and provide for presentment to users. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that Dedrick discloses the functionality for renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated by a third party, wherein the selected marketing object is associated with the second marketing object container, and wherein the selected attribute is associated with the second marketing object container.

However, Dedrick does not specifically disclose the selected marketing object is automatically associated with the second marketing object container, nor wherein the selected attribute is automatically associated with the second marketing object container. Dedrick does disclose:

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases* (col. 4 lines 3-15).



- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).*

Also, Angles et al. discloses:

*HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).*

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose the selected marketing object is automatically associated with the second marketing object container, nor wherein the

selected attribute is automatically associated with the second marketing object container, as disclosed by Angles et al., because this simplifies for the user access to desired information from advertisers and others.

Claim 6: Claim 6 is a method and is essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 7: Dedrick discloses selecting at least one marketing object for insertion in the marketing object container, wherein the first party selects the at least one marketing object (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 8: Claim 8 is a method and is essentially the same limitations as claim 4; therefore, the same rejection is applied.

Claim 10: Dedrick does not specifically disclose automatically associating the at least one marketing object for insertion in the second marketing object container. Dedrick does disclose selecting at least one marketing object for insertion in the

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marketing object container also associating the at least one marketing object for insertion in the second marketing object container (col. 4 lines 3-15; col. 4 lines 37-48; col. 5 lines 5-53) , in the context of:

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases.*
- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

However, Angles et al. discloses:

*HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the*

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*document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).*

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose automatically associating the at least one marketing object for insertion in the second marketing object container, as disclosed by Angles et al., because this provides assistance to the user in accessing desired information from advertisers and others.

Claim 11: Dedrick discloses the second party provides a service to a plurality of parties and at least some of the parties are unrelated, and the unrelated parties are only allowed access to their own marketing presentation (col. 7 lines 16-49).

Claims 12, 13: Dedrick discloses the second party receives a commission based on revenue generated by the first party's marketing presentation (col. 11 lines 17-27), in the disclosure of *It should be noted that the metering server 14 charges the publishers/advertisers 18 a fee for access to the metering server 14. This fee is in addition to the amount an advertiser 18 pays each time the advertisement is consumed by an individual end user.*

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Claim 14: Dedrick discloses the second party receives fees from the first party for hosting their marketing presentation (col. 11 lines 17-27).

Claim 15: Dedrick discloses:

a processor configured to provide a marketing object container associated with a first party (col. 2 line 54 – col. 3 line5; col. 4 line 3 – col. 5 line 4);

the processor also being configured to facilitate associating the marketing object container with a website, wherein the website is associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee; and

facilitating associating an attribute with the marketing object container, wherein the first party associates the attribute with the marketing object container (col. 2 line 54 – col. 3 line5; col. 4 lines 16-35; col. 5 lines 5-53); and

a memory coupled with the processor, wherein the memory is configured to provide the processor with instructions (col. 2 line 54 – col. 3 line28; col. 11 line 59 – col. 12 line 8).

Claim 16: Claim 16 is a computer program product and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

Claim 17: Dedrick does not specifically disclose the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system

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memory, hard drive, and data signal embodied in a carrier wave. Dedrick does disclose the server maintaining resident databases (col. 3 lines 1-5). Additionally, Official Notice is taken that it was old and well known at the time the invention was made that computer readable storage media encompassed the group consisting of CD-ROM, floppy disk, tape, flash memory. system memory, hard drive, and data signal embodied in a carrier wave. For example, Angles et al. discloses The advertising storage medium 44, however, can consist of a wide range of data storage devices including, but not limited to, digital video devices, floppy disks, hard drives, system memory, tape drives, Personal Computer Memory Card Interface Adapter cards (PCMCIA cards), and the like. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory. system memory, hard drive, and data signal embodied in a carrier wave, as disclosed by Angles et al. and old and well known art, because this provides old and well known storage alternatives to users of the system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art of record includes:

- Wong et al (U.S. Patent No. 5,890,175) discloses a computerized method for dynamically generating and displaying a catalog including a plurality of items, each item being classified by at least group information and product information;

- Cragun et al. (U.S. Patent No. 6,161,112) discloses a presentation control mechanism allows a user to set presentation attributes for one or more presentation items on a web page; and
- Kiyono et al. (U.S. Patent No. 6,137,483) discloses a multimedia editing apparatus including a template manager, a material information manager, a template operator, a logic structure synthesizer, a layout structure synthesizer, and a physical operation determiner.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest O. Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
F. Thompson  
May 30, 2002

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600